**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 8122 OF 2005**

Leya @ Lahilya Bnalagandya Kale. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Ms.Smita Mane for Applicant.
Mr.R.Y. Mirza, APP for State.

**CORAM : V.M. KANADE, J.**

**DATED : JANUARY 20, 2006**

**P.C. :-**

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested on 16th June, 2005. in connection with an offence which is registered by Natepute Police Station, Tal.Malshirus, District Solapur, vide C.R.No.25/2005. It is alleged that the applicant alongwith others had committed offence punishable under Section 395 read with Section 34 of the IPC. The complaint was lodged by the complainant alleging that unknown persons had committed robbery and assaulted the complainant and his family members with kick and fist blows and had taken away gold ornaments,

sarees, clothes and wrist watch etc. The only recovery which is made at the instance of the applicant is that of two idols one of Dr.Babasaheb Ambedkar and other of Gautam Buddha.

2. The learned APP submits that the applicant was also involved in an offence of a similar nature vide C.R.No.46/2005 one earlier offence which is registered against him.

3. The applicant has been released on bail by this Court in respect of C.R.No.46/2005. The only thing that has been recovered at the instance of the accused is of two idols, no person was injured in the alleged dacoity and the applicant had not carried any dangerous weapon according to the complainant and other witnesses. The applicant, under these circumstances, is entitled to be released on bail.

4. The applicant is released on bail in the sum of Rs.5,000/- with one or two sureties in the like amount. The applicant, however, shall report to Natepute Police

Station, Tal.Malshirus, District Solapur, twice in a week till the pendency of the trial.

. The application is allowed in the above terms.

**(V.M. KANADE, J.)**